

**SCHOOL AND CHILD CARE CENTER WATER TESTING
REQUIREMENTS**

2022 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill addresses water quality for schools and child care centers.

Highlighted Provisions:

This bill:

- defines terms;
- requires certain testing of water for lead at schools and child care centers;
- addresses funding for testing and certain actions;
- requires action if lead test results equals or exceeds a certain level;
- addresses rulemaking authority;
- addresses records that the division shall post;
- imposes sunset dates; and
- makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- to the Department of Environmental Quality -- Drinking Water, as a one-time appropriation:
 - from Federal Funds - American Rescue Plan, \$3,500,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-219, as last amended by Laws of Utah 2021, Chapter 69

63I-1-226, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234,
and 417

63I-1-253, as last amended by Laws of Utah 2021, Chapters 14, 64, 106, 233, and 307

ENACTS:

19-4-115, Utah Code Annotated 1953

26-39-405, Utah Code Annotated 1953

53G-9-212, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-4-115** is enacted to read:

19-4-115. Drinking water quality in schools and child care centers.

(1) As used in this section:

(a) "Action level" means a lead concentration equal to five parts per billion.

(b) "Certified laboratory" means a laboratory certified by the Department of Health that analyzes drinking water for lead.

(c) "Child care center" means:

(i) a center based child care, as defined in Section 26-39-102; or

(ii) an exempt provider, as defined in Section 26-39-102.

(d) "Consumable tap" means a sink or fountain used for consumption of water or food preparation.

(e) "School" means a public or private:

(i) elementary school or secondary school;

(ii) preschool; or

(iii) kindergarten.

(2) (a) A school or child care center shall test the school's or child care center's consumable taps for lead by no later than December 31, 2023.

(b) In conducting a test under this Subsection (2), a school or child care center shall:

(i) comply with current state testing guidelines for reducing lead in drinking water in schools and child care centers; and

(ii) submit a sample to a certified laboratory that has entered into a memorandum of understanding with the division as described in Subsection (3).

(c) Notwithstanding Subsection (2)(a), if a school or child care center has conducted a test for lead in drinking water in a consumable tap of the school or child care center on or after January 1, 2016, but before May 4, 2022, the school or child care center:

63 (i) is not required to conduct a test under Subsection (2)(a) on the previously sampled
64 consumable tap;

65 (ii) if the test described in this Subsection (2)(c) finds a lead level for a consumable tap
66 equals or exceeds the action level, shall take steps to stop the use of the consumable tap or to
67 reduce the lead level below the action level as described in Subsection (5); and

68 (iii) by no later than the end of the time period established under Subsection (4)(c),
69 shall report to the division:

70 (A) the findings of the test described in this Subsection (2)(c); and

71 (B) any steps taken under Subsection (2)(c)(ii).

72 (3) (a) The division shall enter into a memorandum of understanding with one or more
73 certified laboratories under which the division pays the costs of testing a sample submitted by a
74 school or child care center in accordance with Subsection (2).

75 (b) Subject to appropriations, the division shall pay the costs of testing in the order that
76 a sample is submitted to the certified laboratory.

77 (c) A certified laboratory shall report test results for a sample submitted in accordance
78 with Subsection (2) to:

79 (i) the school or child care center that submitted the sample; and

80 (ii) the division.

81 (4) (a) If after paying the costs of testing under Subsection (3) there remains money
82 appropriated under this section, the division may issue grants to schools and child care centers
83 for costs associated with taking action under Subsection (5).

84 (b) The board may make rules, in accordance with Title 63G, Chapter 3, Utah
85 Administrative Rulemaking Act:

86 (i) to establish a procedure for a school or child care center applying for a grant under
87 Subsection (4)(a); and

88 (ii) for what constitutes steps to reduce the lead level below the action level as
89 described in Subsection (5).

90 (c) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
91 Administrative Rulemaking Act, to establish the time period to take steps to reduce the lead
92 level below the action level as described in Subsection (5).

93 (5) If a test result of a consumable tap under Subsection (2) results in a lead level that

94 equals or exceeds the action level, the school or child care center shall:

95 (a) within the time period established under Subsection (4)(c) take steps to stop the use
96 of the consumable tap or to reduce the lead level below the action level; and

97 (b) report the steps taken under Subsection (5)(a) to the division within 30 days after
98 taking the steps.

99 (6) After the time period established under Subsection (4)(c) has ended, the division
100 shall post on a public website for at least five years from the day on which the division receives
101 the information:

102 (a) the test results for a test taken under Subsection (2); and

103 (b) the steps taken as required under Subsection (5).

104 Section 2. Section **26-39-405** is enacted to read:

105 **26-39-405. Drinking water quality in child care centers.**

106 A child care center, as defined in Section 19-4-115, shall comply with Section
107 19-4-115.

108 Section 3. Section **53G-9-212** is enacted to read:

109 **53G-9-212. Drinking water quality in schools.**

110 A school, as defined in Section 19-4-115, shall comply with Section 19-4-115.

111 Section 4. Section **63I-1-219** is amended to read:

112 **63I-1-219. Repeal dates, Title 19.**

113 (1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.

114 (2) Section 19-2a-102 is repealed July 1, 2026.

115 (3) Section 19-2a-104 is repealed July 1, 2022.

116 (4) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.

117 (b) Notwithstanding Subsection (4)(a), Section 19-4-115, Drinking water quality in
118 schools and child care centers, is repealed July 1, 2027.

119 (5) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.

120 (6) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,
121 2029.

122 (7) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July
123 1, 2030.

124 (8) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1,

125 2028.

126 (9) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.

127 (10) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2029.

128 (11) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2030.

129 (12) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1,

130 2027.

131 Section 5. Section **63I-1-226** is amended to read:

132 **63I-1-226. Repeal dates, Title 26.**

133 (1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory
134 Committee, is repealed July 1, 2024.

135 (2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed
136 July 1, 2025.

137 (3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July
138 1, 2025.

139 (4) Section 26-1-40 is repealed July 1, 2022.

140 (5) Section 26-1-41 is repealed July 1, 2026.

141 (6) Section 26-7-10 is repealed July 1, 2025.

142 (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
143 2028.

144 (8) Section 26-7-14 is repealed December 31, 2027.

145 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
146 1, 2025.

147 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,
148 is repealed July 1, 2026.

149 (11) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed
150 July 1, 2025.

151 (12) Subsection 26-15c-104(3), relating to a limitation on the number of
152 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.

153 (13) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is
154 repealed July 1, 2028.

155 (14) Section 26-18-27 is repealed July 1, 2025.

156 (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1,
157 2027.

158 (16) Subsection 26-18-418(2), the language that states "and the Behavioral Health
159 Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.

160 (17) Section 26-33a-117 is repealed on December 31, 2023.

161 (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

162 (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1,
163 2024.

164 (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
165 July 1, 2024.

166 (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

167 (22) Section 26-39-201, which creates the Residential Child Care Licensing Advisory
168 Committee, is repealed July 1, 2024.

169 (23) Section 26-39-405, Drinking water quality in child care centers, is repealed July 1,
170 2027.

171 [~~(23)~~] (24) Section 26-40-104, which creates the Utah Children's Health Insurance
172 Program Advisory Council, is repealed July 1, 2025.

173 [~~(24)~~] (25) Section 26-50-202, which creates the Traumatic Brain Injury Advisory
174 Committee, is repealed July 1, 2025.

175 [~~(25)~~] (26) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
176 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

177 [~~(26)~~] (27) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is
178 repealed July 1, 2026.

179 [~~(27)~~] (28) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
180 July 1, 2026.

181 [~~(28)~~] (29) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
182 1, 2024.

183 Section 6. Section **63I-1-253** is amended to read:

184 **63I-1-253. Repeal dates, Titles 53 through 53G.**

185 (1) Section 53-2a-105, which creates the Emergency Management Administration
186 Council, is repealed July 1, 2022.

- 187 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
188 Board, are repealed July 1, 2022.
- 189 (3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
190 July 1, 2023.
- 191 (4) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is
192 repealed July 1, 2027.
- 193 (5) Subsection 53-13-104(6)(a), regarding being 19 years old at certification, is
194 repealed July 1, 2027.
- 195 (6) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
196 repealed July 1, 2024.
- 197 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 198 (8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
199 repealed January 1, 2025.
- 200 (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 201 (10) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July
202 1, 2025.
- 203 (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
204 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
205 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 206 (12) Section 53E-3-515 is repealed January 1, 2023.
- 207 (13) In relation to a standards review committee, on January 1, 2023:
- 208 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
209 recommendations of a standards review committee established under Section 53E-4-203" is
210 repealed; and
- 211 (b) Section 53E-4-203 is repealed.
- 212 (14) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
213 custody, are repealed July 1, 2027.
- 214 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
215 repealed July 1, 2022.
- 216 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
217 repealed July 1, 2023.

(17) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools for the Deaf and the Blind, is repealed July 1, 2021.

(18) Section 53F-2-420, which creates the Intensive Services Special Education Pilot Program, is repealed July 1, 2024.

(19) Section 53F-5-203 is repealed July 1, 2024.

(20) Section 53F-5-212 is repealed July 1, 2024.

(21) Section 53F-5-213 is repealed July 1, 2023.

(22) Section 53F-5-214, in relation to a grant for professional learning, is repealed July 1, 2025.

(23) Section 53F-5-215, in relation to an elementary teacher preparation grant, is repealed July 1, 2025.

(24) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, 2024.

(25) Section 53F-9-501 is repealed January 1, 2023.

(26) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

(27) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class C misdemeanor, is repealed July 1, 2022.

(28) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

Section 7. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Environmental Quality -- Drinking Water

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| <u>From Federal Funds - American Rescue Plan, One-time</u> | <u>\$3,500,000</u> |
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Schedule of Programs:

| | |
|--------------------------|--------------------|
| <u>System Assistance</u> | <u>\$3,500,000</u> |
|--------------------------|--------------------|

The Legislature intends that the appropriations under this item be used to pay costs for

249 testing and issuing grants to schools and child care centers as described in Section 19-4-115
250 enacted in this bill. The money appropriated under this item is nonlapsing.